

1 James W. Geriak (State Bar No. 32871)
2 Kurt T. Mulville (State Bar No. 149218)
3 Mark A. Stirrat (State Bar No. 229448)
4 ORRICK, HERRINGTON & SUTCLIFFE LLP
5 4 Park Plaza, Suite 1600
6 Irvine, CA 92614
7 Telephone: 949-567-6700
8 Facsimile: 949-567-6710
9 Email: jgeriak@orrick.com
10 kmulville@orrick.com
11 mstirrat@orrick.com

12 Monte Cooper (State Bar No. 196746)
13 ORRICK, HERRINGTON & SUTCLIFFE LLP
14 1000 Marsh Road
15 Menlo Park, CA 94025
16 Telephone: 650-614-7400
17 Facsimile: 650-614-7401
18 Email: mcooper@orrick.com

19 Attorneys for Plaintiff
20 Xoft, Inc.

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1 Plaintiff Xoft, Inc. respectfully requests permission from the Court to be allowed to bring
2 in and set up equipment described on the attached Schedule A, on December 19, 2006. This
3 equipment is to be used at the tutorial and claim construction hearing scheduled for December 20,
4 2006, in the above-entitled action. This equipment will be used solely for the purposes of the
5 tutorial and the hearing. Some of this equipment cannot go through x-ray machines and will need
6 to be searched by other means.

7 Respectfully submitted,

8 Dated: **November 21, 2006**

ORRICK, HERRINGTON & SUTCLIFFE LLP

9
10 By s/James W. Geriak
11 James W. Geriak
12 Kurt T. Mulville
13 Mark A. Stirrat
14 Monte Cooper
15 Attorneys for Plaintiff
16 Xoft, Inc.

17 The Court hereby **GRANTS** Xoft, Inc.'s request to bring in the equipment listed on the
18 attached Schedule A for the December 20, 2006 tutorial and hearing. The equipment may be
19 brought in and set up on December 19, 2006, the day before the tutorial and hearing. Counsel for
20 Xoft is to coordinate as needed with the U.S. Marshall's office and the courtroom deputy, Jackie
21 Viera.

22 **IT IS SO ORDERED.**

23 Dated: 12/18/06

24 /s/ Ronald M. Whyte
25 Honorable Ronald M. Whyte
26 United States District Judge

SCHEDULE A

List of Equipment to be brought in on December 19, 2006

4 1. Physical: Axxent™ Electronic Brachytherapy System including, but not limited to the

5 Axxent™ HDR X-ray Source 2.2, Axxent™ Balloon Applicator-BR, Axxent™ Controller,

6 Axxent™ FlexiShield, and supplies

7 2. Treatment Planning Laptop

8 3. Physical: mannequin

9 4. Physical: drapes

10 5. Physical: USB Flash Memory

11 6. Physical: Cooling Tube Set

12 7. Physical: Sterile Water Bag

13 8. Bar Codes

14 9. Physical: Rolling Shield Screen

15 10. Associated wires, cables, peripherals, extension cords, power strips, adapters, and tools to

16 install and connect the above equipment.

CERTIFICATE OF ELECTRONIC SERVICE

I hereby certify that on **November 21, 2006**, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send electronic notification of such filing to the following individual(s):

Henry C. Bunsow
Henry C. Su
HOWREY LLP
525 Market Street, Suite 3600
San Francisco, CA 94105
Telephone: (415) 848-4900
Facsimile: (415) 848-4999
bunsowh@howrey.com
suh@howrey.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **November 21, 2006**, at Irvine, California.

s/James W. Geriak

James W. Geriak